

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

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|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:04CR262 |
| |) | |
| v. |) | |
| |) | |
| BRANDY K. BRENTON, |) | ORDER |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the Court on defendant's motion filed pursuant to Rule 60(b) of the Federal Rules of Civil Procedure (Filing No. 172), seeking an order setting aside or otherwise vacating this Court's memorandum opinion and order and judgment (Filing Nos. 169 and 170) denying her motion filed pursuant to 28 U.S.C. § 2255. Federal Rule of Civil Procedure 60(c) provides:

A motion under Rule 60(b) must be made within a reasonable time -- and for (1), (2) and (3), no more than one year after the entry of judgment or order or the date of the proceeding.

This motion could only be premised upon Subsections (1), (2) or (3) and as to those claims, is timely filed.

The Court has reviewed the defendant's motion and has also reviewed its memorandum opinion and order and judgment (Filing Nos. 169 and 170) and notes that defendant did not file an appeal from the order denying her § 2255 motion. The Court finds that defendant's motion should be denied. Accordingly,

IT IS ORDERED that defendant's motion seeking an order setting aside or otherwise vacating this Court's memorandum opinion and order and judgment is denied.

DATED this 8th day of April, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court